IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1966.

TROY CANNON CONSTRUCTION COMPANY, INC., a Kansas Corporation,
Petitioner,

v.

DALLAS JOB; GRAND ELECTRIC COOPERATIVE, INC., a Corporation;
and ASSOCIATED ENGINEERS, INC., a Montana Corporation,
Respondents.

BRIEF OF RESPONDENT JOB IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

To the United States Court of Appeals for the Eighth Circuit.

The parties will be referred to as they are in the Petition.

Only one of the three questions raised affects the Respondent Job. The petitioner states the question as follows:

> "(3) Does a Court of Appeals have the power to impose an interest charge in excess of $25,000 upon the parties defendant on ex parte application by plaintiff **when the Court's opinion and remand contained no reference to the issue**" (Emphasis ours).

The petition has misstated the question. The judgment of the Court rendered on December 19, 1966 reads in part as follows: "The said new judgment shall preserve the interest and costs heretofore awarded the plaintiff."[1] The basic premise of the question is destroyed when the judgment is examined. Clearly, the Court acted within its power in preserving the post-judgment interest which had been awarded by the Trial Court.

Respectfully submitted,

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[1] Petition for Writ, page 48.